

REMARKS

The February 16, 2006 office action states that claims 15-24 are allowed. The indication of these allowed claims is appreciated. Claims 11, 12 and 27-29 are rejected as anticipated by Markel. Claims 6-9, 11, 12, 25 and 27-29 are rejected as unpatentable over Lemmeyer in view of Marrujo. Claims 13, 14 and 26 are rejected as unpatentable over Lemmeyer in view of Marrujo and Mitchell. Claims 4 and 31 are rejected as unpatentable over Lemmeyer in view of Marrujo and Deloustal. Claims 5 and 30 are rejected as unpatentable over Lemmeyer in view of Marrujo and Van Hekken.

Claims 11, 12 and 27 have been amended to recite a non-pivotable cantilevered armrest. The armrest in Markel (U.S. Patent No. 5,316,373) is pivotal and thus, for at least this reason, the claims clearly avoid Markel.

During a telephone interview between examiner Joseph F. Edell and the undersigned (Richard Lazarus) on March 2, 2006 it was agreed that the above amendment to claims 11, 12 and 27 overcomes the rejection of claims 11, 12 and 27-29 are rejected as anticipated by Markel. The discussion and resolution of this issue is appreciated.

Claims 6-9, 11, 12, 25 and 27-29 are rejected as obvious over Lemmeyer et al (U.S. Patent No. 6,478,372) in view of Marrujo (U.S. Patent No. Des. 254,889) as stated above. In the rejection over Lemmeyer et al. and Marrujo it is stated that

it would have been obvious... to modify the seat assembly of Lemmeyer et al. such that each flange of the support mount is formed to include upper wings rising above the top surface of the arm and away from the seat bottom, the upper wings include a fastener apertures for the first fastener such that the first fastener is arranged to lie above the top surface of the arm, each flange includes lower wings extending below the arm such that the second fastener is coupled to the lower wing, such as the support mounted disclosed in Marrujo. (See last 8 lines on page 4 and the first line of page 5 of the office action).

The above-quoted statement is not understood. It is stated that modification of Lemmeyer's seat assembly is proposed, but it is not clear how Lemmeyer's seat assembly is proposed to be modified. The statement urges modification of "each flange of the support mount" to include "upper wings rising above the top surface of the arm and away from the seat bottom." Marrujo does not teach or suggest "wings rising above the top surface of the arm and away from the seat bottom" so this modification does not appear to stem from any teaching or

suggestion in Marrujo. Adding wings to Lemmeyer's arm 16 at the first end 19 would preclude Lemmeyer's arm 16 from abutting upper and lower shelves 112, 114 and abutting rear shelf 116 (see especially column 6, lines 1-6 of Lemmeyer). It is requested that if this rejection is maintained the examiner provide a drawing showing how Lemmeyer's arm 16 is to be modified and there be some explanation of how such modified arm would fit and abut shelves 112, 114, 116 as disclosed by Lemmeyer.

It is noted that the leg in Marrujo has a hole at the bottom such that the leg would be pivotable about a fastener through the bottom hole but for the flanges at the top. Thus the top flanges would appear to prevent movement about the line established by the holes in the bottom of the leg. There is no teaching or suggestion in Marrujo to modify the arm of Lemmeyer et al. There is nothing in Lemmeyer et al. that would suggest modification of Lemmeyer et al's arm. In short there is no teaching or suggestion in the prior art that would suggest the modification proposed in the office action. It is asked that should the combination of Lemmeyer et al. and/or Marrujo be maintained, the office action provide an explanation of what there is in either of these references that would have motivated one of ordinary skill to arrive at the combination.

The rejections of claims 4-5, 13-14, 26 and 30-31 rely on the above-noted modification of Lemmeyer et al. and Marrujo and are improper at least for the above-noted reasons.

In view of the above, it is submitted that all of the claims (Nos. 4-9 and 11-31) are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-67618).

Respectfully submitted,

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